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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 David E. Wattel, et al.,) No. CV 02-2256-PHX-PGR
10 Plaintiffs,)
11 vs.)
12 Stephen Browne, et al.,) **ORDER**
13 Defendants.)
14 _____)
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16 Currently pending before the Court is Plaintiffs' Motion to Strike Defendant O'Brien's
17 Motions in Limine (Doc. 203). On July 14, 2006, Defendant O'Brien filed four motions in
18 limine in anticipation of the upcoming Pretrial Conference scheduled in this case for
19 Tuesday, August 8, 2006 at 10:00 a.m. However, the Plaintiffs contend that the Court should
20 give the motions no consideration and strike them from the docket due to Defendant
21 O'Brien's lack of compliance with this Court's Scheduling Order. The Court agrees.

22 The Scheduling Order governing this matter states as follows: "No motion in limine
23 shall be filed unless a statement of moving counsel is attached thereto certifying that after
24 personal consultation and sincere efforts to do so, counsel have been unable to satisfactorily
25 resolve the matter." Defendant O'Brien's counsel failed to attach such a statement to the
26 motions nor did counsel file a separate affidavit. In addition, the Plaintiffs maintain that
27 Defendant O'Brien's counsel never personally consulted Plaintiffs' counsel or made any
28 efforts to resolve the issues raised in the motions in limine. Due to Defendant O'Brien's

1 failure to comply with the Court's Scheduling Order the Plaintiffs' motion is granted.
2 Therefore,

3 IT IS ORDERED that Plaintiffs' Motion to Strike Defendant O'Brien's Motions in
4 Limine (Doc. 203) is GRANTED.

5 IT IS FURTHER ORDERED striking Defendant O'Brien's Motion in Limine re: To
6 Preclude Certain Opinions by Plaintiffs' Expert (Doc. 197); Motion in Limine re: Faneuil
7 Lawsuit (Doc. 198); Motion in Limine re: Undisclosed Damages (Doc. 200); Motion in
8 Limine re: Defendant O'Brien's Alleged Wealth (Doc. 201).

9 DATED this 26th day of July, 2006.

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12 Paul G. Rosenblatt
13 United States District Judge
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